IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8381 OF 2006

Ashok s/o. Shankar Kadam ...Petitioner

V/s.

The State of Maharashtra & Ors. ...Respondents

Shri R.K. Mendadkar with Shri C.K. Bhangoji for the Petitioner.

CORAM : H.S. BEDI, C.J., &
V.M. KANADE, J.

DATED : DECEMBER 19, 2006.

P.C. :-

1. The petitioner has challenged the impugned Order, Exhibit-A whereby the petitioner has been disqualified for a period of six years.

2. The learned Counsel for the petitioner has argued that the amendment under which the petitioner had been debarred had come into force with effect from 19th January, 2002 whereas he had filed his nomination paper and the caste certificate, on 4th January, 2002 and therefore the amending Act could not be made applicable to the petitioner.

3. We find no merit in the submission. The action has been taken against the petitioner as his caste certificate has been then invalidated and in such a situation, the date on which the election took place would be relevant and i.e. 10th February, 2002 which is after the date the amending Act was enforced. Hence, the petition is dismissed.

CHIEF JUSTICE

V.M. KANADE, J.